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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

VIA FACSIMILE
AND FEDERAL EXPRESS

DATE: 3/2/94

Robert Wiederhorn, Director
Remediation Program
DuPont Chemicals
Wilmington, DE 19898

RE: DuPont-Newport Superfund Site

Dear Mr. Wiederhorn,

I am writing in response to your letter dated February 25, 1994, in which DuPont summarized its proposal that you made to EPA in our meeting on January 28, 1994. The proposal involved two areas of concern addressed in EPA's August 26, 1993, Record of Decision (ROD) for this Site: the south landfill and the Christina River.

EPA has performed a preliminary review of DuPont's proposal for the south landfill (partial excavation of DelDOT property, horseshoe-shaped grout curtain, and a low-permeability cover system). EPA believes there is significant merit in DuPont's proposal. DelDOT's October 20, 1993, proposal will also be included in the review process. After the review, EPA will formally pursue amending the south landfill component of the August 26, 1993, ROD. In order to facilitate this process, EPA requests that a more detailed description of the south landfill proposal be submitted by March 9, 1994. The description must include a cost estimate.

In regard to the Christina River, EPA does not believe that DuPont's proposal of only dredging the intertidal area along the north river bank coupled with some limited river sediment sampling near the CIBA-GEIGY plant and the north landfill meets the threshold criteria of "overall protection of human health and the environment" because it fails to protect aquatic life in the river. Therefore, the Christina River component of the ROD will remain the same. However, EPA understands DuPont's concern about the potential for significant cost overruns for the Christina River Component of the ROD and is willing to negotiate a consent decree for only part of the ROD in order to limit the potential increase in costs.

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EPA is willing to negotiate a consent decree for the complete ROD with the exception that the area of potential dredging would be limited to between one-quarter mile upstream of the north drainageway (as opposed to the one mile required by the ROD) and one-quarter mile downstream of the James Street bridge (as opposed to two miles). Although the area of potential dredging would be limited in the consent decree, the area and scope of the river sediment sampling in the consent decree would be as described in the ROD. If portions of the river outside the area described in the consent decree exceed the clean-up criteria in the ROD, DuPont would not be required to dredge these areas under this consent decree. EPA would decide how to implement the ROD for these areas once the sampling data is available.

Another concern expressed in your letter regarded the Nuclear Regulatory Commission's (NRC's) involvement with the thorium drums in the north landfill. EPA has been discussing this issue in detail with NRC for the past year and will continue to do so. NRC has not rendered a decision as to whether or not the drums can remain in the landfill. However, EPA has expressed to NRC the need to decide quickly in order for this issue not to delay remediation of the north landfill. EPA does not intend to proceed with cap construction at the north landfill with this issue unresolved. NRC is aware that its decision affects the implementation of the ROD and is fully cooperating with EPA.

EPA would like to begin consent decree negotiations with DuPont as soon as possible if DuPont is willing to address the river as described above. This is also to advise that EPA will invite the natural resources trustees to take part in negotiations. If you have any questions regarding this matter or wish to set up a meeting to begin negotiations, please call me at 215-597-0978. Please respond to this letter in writing to me by March 8, 1994.

Sincerely

Randy Sturgeon (sent 3/2/94; file
copy lost & reprinted
from computer)
Randy Sturgeon
Remedial Project Manager
DE/MD Section

cc: Anne Hiller, DNREC
Anne P. Canby, DelDOT
John Deming, CIBA-GEIGY
Norman Griffiths, DuPont
Peter Knight, NOAA
Heather Astwood, NRC
Don Henne, DOI
David Rosskam, USDOJ

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